

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DARREL ALLEN, et al.,  
*Plaintiffs*

v.

RICHARD J. ROUSE, et al.,  
*Defendants*

DOCKET No.

**00-10981-RWZ**

ARLEY HOWARD,  
*Plaintiff*

v.

CORRECTION OFFICERS BURNS,  
CARASQUILLO, CHIN, CLAYTON,  
KELLY, MATTER, OPANASETS,  
SINCLAIR, SMITH, VECCHIARP AND  
SGT. MURPHY  
*Defendants*

**COUNT 22**

**JOINT MOTION TO CONTINUE DISCOVERY DEADLINE**

NOW come both parties, Kathleen M. Cawley, Esq., on behalf of Defendants Burns, Carasquillo, Chin, Clayton, Kelly, Matter, Opanasets, Sinclair, Smith, Vecchiarp and Sgt. Murphy, and Charles S. Pappas, Esq., on behalf of Plaintiff Arley Howard and jointly request that this Honorable Court continue the presently scheduled discovery deadline of March 26, 2010. Both parties submit good cause exists for their request. In support of their joint request the parties submit the following:

- (1) Defense Counsel will be filing a Motion for Summary Judgment by the scheduled deadline of March 26, 2010, on behalf of each of the eleven defendants named in Count 22.
- (2) Defendants expect that judgment will be granted in their favor, as the Plaintiff allegedly failed to exhaust his administrative remedies under the PLRA. Further, the Defendants claim the allegations against defendants Smith, Matter, Kelly, Burns and Sinclair do not rise to the level of a constitutional violation.
- (3) The Parties agree to participate in further discovery, if necessary, after the Court's ruling on Defendant's Motion for Summary Judgment.
- (4) The Parties submit that judicial economy would best be served by setting a discovery deadline sixty days after the Court's ruling on Defendants' Motion for Summary Judgment.
- (5) The parties' request sixty (60) days to complete discovery because of the large number of potential defendants and the scheduling issues inherent with a large number of deponents.

WHEREFORE, the parties through counsel, respectfully request that this Court continue the discovery deadline until sixty (60) days after the Court's ruling on Defendant's Motion for Summary Judgment.

Respectfully Submitted,  
On behalf of Plaintiff Arley Howard

/s/ Charles S. Pappas  
Charles S. Pappas, Esq.  
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(508) 652-8000

On behalf of the Defendants,

/s/ Kathleen M. Cawley  
Kathleen M. Cawley  
Deputy General Counsel  
BBO No. 551202  
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Date: March 22, 2010

**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as not registered participants on March 22, 2010.

/s/ Kathleen M. Cawley  
Kathleen M. Cawley